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TO: Laura Vaught

OF: Environmental Protection Agency

RE: Letter from Members of the Arizona Delegation regarding BART alternative for
Navajo Generating Station

DATE: 12/16/2013

Message:

Pages Including Cover:

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Congress of the United States

WASHINGTON, DC 20510

December 16, 2013

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3000
Washington, D.C.

RE: EPA Federal Implementation Plan for Navajo Generating Station (NGS)
Docket Number: EPA-R09-OAR-2013-0009

Dear Administrator McCarthy:

We appreciate the opportunity to provide comment on this latest step in the agency's ongoing regulatory process involving the Navajo Generating Station.

In its October 2013 supplemental filing, EPA recognized the unique purpose and history of NGS, as well as the myriad stakeholders that share an interest in the plant. It is that unique role, which was called into question by the far-reaching impacts of EPA's initial Best Available Retrofit Technology (BART) proposal.

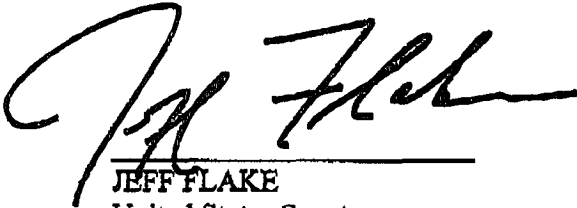
In response, a Technical Work Group (TWG) of stakeholders, including the Department of the Interior, crafted an alternative aimed at mitigating the damage EPA's original proposal would have inflicted. While there are diverse positions on the actions that have led us to this point as well as some of the elements contained within the TWG alternative, we support the overarching objectives of the TWG's better-than-BART proposal:¹ preserve the federal trust responsibility, honor legally binding water settlements, and mitigate economic harm to Indian and non-Indian communities, without adding to the federal deficit by imposing additional costs on taxpayers.

Given the importance of NGS, we hope EPA will carefully consider comments provided during the rule making process. We further urge EPA to ensure that potential future regulations do not render the TWG alternative meaningless.

¹ Consistent with EPA's supplemental filing on October 22, 2013, this letter is limited in scope to Appendix B of the TWG agreement, the better-than-BART alternative. It should not be construed as a comment on any other provisions in the TWG agreement, which are unrelated to EPA's BART determination.

Thank you for your attention to this important issue, and for including these comments in the record. As always, we ask that this matter be handled in strict accordance with agency rules, regulations, and ethical guidelines.

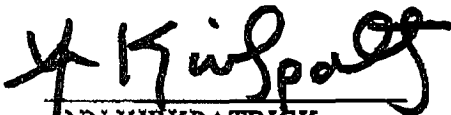
Sincerely,



JEFF FLAKE
United States Senator



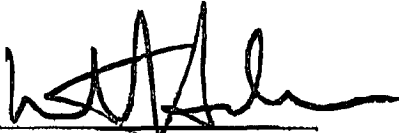
JOHN MCCAIN
United States Senator



ANN KIRKPATRICK
Member of Congress



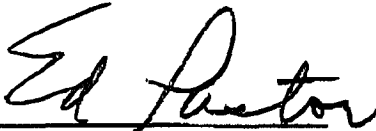
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Member of Congress




MATT SALMON
Member of Congress



DAVID SCHWEIKERT
Member of Congress



ED PASTOR
Member of Congress



TRENT FRANKS
Member of Congress



KYRSTEN SINEMA
Member of Congress



PAUL GOSAR
Member of Congress

cc: Anita Lee (AIR-2), US EPA, Region 9
EPA Docket No. EPA-R09-OAR-2013-0009